

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed April 16, 2008. By this paper, no claims are cancelled, amended, or added. Claims 1-40 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1-2, 4-7, 9-18, 20-21, 23-31 and 33-40 under 35 U.S.C. § 103 as being unpatentable over *Strong* (U.S. Publication No. 2004/0049706 A1) in view of *Yu et al.* (U.S. Patent No. 6,070,248). The Examiner rejects claims 3, 8, 19, 22, and 32 under 35 U.S.C. § 103 as being unpatentable over *Strong* in view of *Yu et al.* and in further view of *Hansen et al.* (U.S. Patent No. 6,269,136 B1).

Applicants traverse the Examiner's rejection for obviousness because *Strong* qualifies as prior art only under subsection (e) of 35 U.S.C 102 and the subject matter of *Strong* was owned by the same person or subject to an obligation of assignment to the same person at the time of the Applicants invention. For example, the publication date of *Strong* is March 11, 2004 while the filing date of the pending application is January 23, 2004, thus making *Strong* qualify as prior art only under subsection (e) of 35 U.S.C 102. Further, both *Strong* and the pending application were owned by Finisar Corporation or subject to an obligation of assignment to Finisar Corporation at the time of the Applicants invention. Therefore, under 35 U.S.C. § 103(c) *Strong*

does not preclude patentability of the claims of this application. Evidence (in addition to this statement) of such rights is attached to this paper in the Appendix A.

In view of the foregoing, Applicants respectfully request that the rejection of claims 1-40 be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended or presently pending are in allowable form and that every issue raised by the Office Action has been addressed. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorneys.

Dated this 16th day of September, 2008.

Respectfully submitted,

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